

**CITY OF NEWPORT BEACH  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD  
THURSDAY, NOVEMBER 8, 2012  
REGULAR MEETING – 6:30 p.m.**

**MICHAEL TOERGE**  
Chair

**BRADLEY HILLGREN**  
Vice Chair

**FRED AMERI**  
Secretary

**TIM BROWN  
KORY KRAMER  
JAY MYERS  
LARRY TUCKER**

**Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:**

**KIMBERLY BRANDT, Community Development Director**

**BRENDA WISNESKI, Deputy Community  
Development Director**

**MICHAEL TORRES, Deputy City Attorney    TONY BRINE, City Traffic Engineer**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.*

**V. REQUEST FOR CONTINUANCES**

**VI. CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF OCTOBER 4, 2012**

**Recommended Action:** Approve and file

**VII. PUBLIC HEARING ITEMS**

*Speakers must limit comments to three (3) minutes on all items. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.*

*If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.*

**ITEM NO. 2 Lugonia Setback Determination (PA2012-119)  
Site Location: 431 Lugonia Street**

**Summary:**

A request for an alternative setback determination pursuant to Zoning Code Section 20.30.110 C due to the orientation of the lot and required setbacks. The applicant proposes to maintain the required front setback of 5 feet along both street property lines and the side yard setback of 4 feet. The request is to change the rear yard setback requirement from 10 feet to 4 feet along the southwestern property line abutting 427 Lugonia Street.

**CEQA Compliance:**

The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations).

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ approving Staff Approval No. SA2012-015.

**ITEM NO. 3      Chizhik Variance (PA2012-113)**  
**Site Location: 20361 SW Cypress Street**

**Summary:**

The applicant is requesting a variance to allow existing hedges and block walls topped with lattice panels, which exceed the Zoning Code height limits within setbacks (sides – 6 feet, front – 42 inches), to remain in place along the side property lines.

**CEQA Compliance:**

The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ approving Variance No. VA2012-005.

**ITEM NO. 4      Emerson Island Annexation (PA2012-034)**

**Summary:**

The subject project is a General Plan Amendment and Code Amendment (rezoning) for the annexation of Emerson Island. Emerson Island is located in unincorporated Orange County between the cities of Costa Mesa and Newport Beach near the intersection of Tustin Avenue and Holiday Road. The area to be annexed consists of 9 lots totaling less than 2 acres in area and is developed with single- and multiple-unit dwellings. No site grading or construction is proposed with this application. The Planning Commission recommendation will be forwarded on to the City Council for review and a decision.

**CEQA Compliance:**

All significant environmental concerns for the proposed project have been addressed in a Negative Declaration previously adopted on January 13, 2004, and that the City of Newport Beach intends to use said document for the above noted project. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website at [www.newportbeachca.gov/ceqadocuments](http://www.newportbeachca.gov/ceqadocuments).

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ recommending City Council approval of General Plan Amendment No. GP2012-001 and Code Amendment No. CA2012-002.

**ITEM NO. 5      Woody's Wharf Use Permit (PA2011-055)**  
**Site Location: 2318 Newport Boulevard**

**Summary:**

A use permit application to change the operational characteristics of the existing restaurant: 1) to extend the hours of the existing outdoor dining area from 11:00 p.m. to 2:00 a.m., daily; 2) to accommodate patron dancing in the interior of the restaurant, nightly; 3.) to amend the requirement for full-time valet parking service during restaurant operating hours, to only require valet services on an as-needed basis (to accommodate special events and holiday peak use); and 4.) to approve a waiver of up to 6 parking spaces that results from the addition of patron dancing and eliminating valet parking service on a full time basis.

**CEQA Compliance:**

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ approving Conditional Use Permit No. UP2011-010 to allow changes to the operation of the restaurant that includes:
  - the introduction of patron dancing within the restaurant;
  - extending the opening hour of the restaurant and outdoor dining area from 11:00 a.m. to 10:00 a.m.;
  - the use of the valet parking on an as-needed basis;
  - a waiver for a portion of the required parking; and

Deny the portion of the application requesting changes to the use of the outdoor dining area that includes:

- the removal of tables and chairs within the outdoor dining area; and
- the extension of the closing hour of the outdoor dining area from 11:00 p.m. to 2:00 a.m.

**VIII. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 6      MOTION FOR RECONSIDERATION**

**ITEM NO. 7      COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

**ITEM NO. 8      ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT.**

**ITEM NO. 9      REQUESTS FOR EXCUSED ABSENCES**

**IX. ADJOURNMENT**